

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS VACATION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS ANNUITY FUND,  
NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS  
APPRENTICESHIP, JOURNEYMAN RETRAINING,  
EDUCATIONAL AND INDUSTRY FUND, NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS CHARITY  
FUND, and THE NEW YORK CITY AND VICINITY  
CARPENTERS LABOR MANAGEMENT COOPERATION  
FUND, by MICHAEL J. FORDE, and PAUL O'BRIEN,  
as TRUSTEES,

07 CV 3798 (PKC)

**AFFIDAVIT OF  
COUNSEL**

Petitioners,

-against-

DARTZ AND MATZ INCORPORATED,

Respondent.  
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STATE OF NEW YORK                    )  
  :SS.:  
COUNTY OF NEW YORK                )

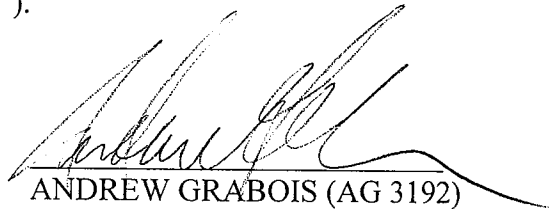
Andrew GraBois, Esq., being duly sworn, deposes and says:

1. I am associated with the firm of O'Dwyer & Bernstien, LLP, attorneys for  
Petitioners ("Funds") in the above captioned action. I am familiar with all the facts and  
circumstances in this action.
2. I submit this affidavit establishing personal jurisdiction over the Respondent  
pursuant to the order by this Court dated May 21, 2007.
3. Upon information and belief, Respondent is a New Jersey Corporation that is not

authorized to do business in New York.

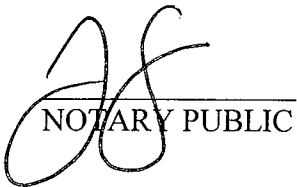
4. Petitioners served the summons and complaint on the New York Secretary of State pursuant to Business Corporation Law § 307, which allows for service on the Secretary of State as the "agent" of a foreign corporation not authorized to do business in New York. (A copy of the Affidavit of Service upon the Secretary of State is annexed hereto as Exhibit "A")

5. Pursuant to Business Corporation Law § 307, Petitioners then also sent a copy of the summons and complaint to Respondents by registered mail with return receipt requested. (A copy of the Affidavit of Service upon the Respondent is annexed hereto as Exhibit "B" and a copy of the return receipt is annexed hereto as "Exhibit C").



ANDREW GRABOIS (AG 3192)

Sworn to before me this  
8<sup>th</sup> Day of June, 2007



NOTARY PUBLIC

**JASON FUIMAN**  
Notary Public, State of New York  
No.02FU6104740  
Qualified in New York County  
Commission Expires January 26, 20 